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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,712	11/05/2003	Timothy N. Thomas	TTN-104-B	7077

7590

09/20/2004

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EXAMINER

JONES, DAVID B

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/701,712	Applicant(s) THOMAS ET AL.	
	Examiner David B Jones	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/17/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation, "the fist plate" appears to have a misspelled word therein and hence renders the claim indefinite.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 10-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Diamond Chain Company. Diamond teaches the claimed chain as seen on the third page of the advertisement brochure. The upper left side of the page, the lower of the two Figures; shows the general layout of a first link with paired link plates having projections and apertures located in the projections for holding a so-called blocking member. See examples of alternate blocking members in Figures 2 and 7 at the bottom of the same page (i.e., cylindrical and square members) that can be placed between the paired projections of the paired plates on pins. The first paired plates are adjacent a second link of additional paired links. The links and plates as claimed having the various claimed pins, apertures, and arrangements with respect to each other as claimed; i.e., where the first aperture is positionalble relative to the third and fourth apertures such that an imaginary line intersecting the geometric center of the first

aperture and oriented perpendicular to the longitudinal axis of the first plate intersects the longitudinal axis of the first plate at a point intermediate the third and fourth apertures. The blocking members, as seen in Fig. 7 would be the same diameter as the distance between the two lower pivot pins of the example shown in the upper Figure of Diamond. The roller in Fig. 7 is considered to be rotatable about the pin that passes through the extensions of the paired plates. Further the ends of the roller are considered to be flat and engageable with the extensions of the plates of the link. Regarding claim 26, the embodiment of Fig. 2 meets the limitation of "fixedly attaching the block to the projections of the extensions of the paired plates.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond Chain Company. Diamond teaches the claimed invention excepting the roller being either smaller or larger than the distance between the lower apertures of the links. Diamond would appear to teach the size of the rollers being equal to that distance. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the rollers of Diamond with various sizes, if so desired, to provide different spacing between the rollers when the rollers are in a parallel position so as to provide different support for the item to be conveyed.

4. Claims 1-3, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bechtold. Bechtold teaches the claimed invention as seen in Figs. 2 and 3. The upper extensions of the plates are considered to be the blocking members as broadly set forth in the claims. The blocking members dimension is slightly greater than the distance between the first and second apertures of the link plates (see Fig 3).

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the blocking members being less and greater than the distance between the first and second apertures of the plates, as seen in claims 6-9, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be

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notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

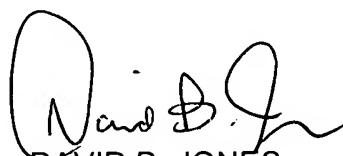
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (703) 872-0906

DBJ


DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725